THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 14th day of November,2007

W.P.Nos.12820, 12863 and 13054 of 1998

W.P.No.12820 of 1998

Between:-

M. Satyanarayana … Petitioner

and

The Chairman & Managing Director,
Indian Bank, 31, Rajaji Salai,
Chennai-600 001 & others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.Nos.12820, 12863 and 13054 of 1998

COMMON ORDER:

In all these three Writ Petitions, common questions of law and fact arise for consideration; therefore, they are being disposed of by this common Order.

According to the petitioners, they all worked as sub-staff with the Management of the Indian Bank. Earlier, except the petitioner in Writ Petition No.13054 of 1998, they along with others filed Writ Petitions being W.P.No.19747 of 1996 and batch. Those Writ Petitions were disposed of by a Division Bench of this Court on 17-3-1998 with the following directions:

> "The cause espoused in these Writ Petitions was already answered in another batch of Writ Petitions i.e. Writ Petition No.18998 of 1997 and batch, by our Judgment dated 16-2-1998. Following the same, we dispose of all these Writ Petitions with the following directions:
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> A list of 1200 candidates is said to have been prepared in the year 1990 for requisitioning to man the sub-staff posts temporarily in leave vacancies. It is stated that these personnel in the list were already regularized, but we are not having any definite material on that aspect. Insofar as the necessity of preparing a second list is concerned, if the competent authority feels such necessity, then if the petitioners are qualified for empanelment, their names may be considered for such empanelment. We make it clear that the Bank authorities shall be entitled to engage sub-staff, if the candidates in the empanelled list are available; but if the Bank authorities want to engage any person on temporary basis in the leave vacancy de hors the empanelled list, they have to consider the claims of the petitioner before considering the claims of any fresh candidates. No costs."

Now the case of the petitioners is that the panel prepared earlier has already been exhausted and this is reflected in the communication dated 3-9-1997 issued by the Assistant General Manager, Indian Bank, Hyderabad Region. Therefore, now, there are no empanelled temporary sub-staff in Hyderabad Region and there is a necessity of preparing a second panel as per the Judgment of this Court, as noticed above. It is the grievance of the petitioners that in spite of there being such a necessity and directions from this Court, no second panel has been prepared empanelling the sub-staff including the petitioners. Further, it is their case that after disposal of the above Writ Petitions, their services have been dispensed with and in their place some other persons were engaged. In this regard, respondent-Bank has filed a detailed counter stating that no such persons are engaged in the place of the petitioners. Insofar as the grievance of the petitioner in Writ Petition No.12820 of 1998 that one Smt.Rajamma was engaged as part-time Sweeper in his place is concerned, it is stated she was not engaged in the place of the petitioner but she was engaged as a casual sweeper in the place of the permanent part-time Sweeper, who was on leave. Further, part-time Sweeper post is not in the category of sub-staff. Thus, no person after the disengagement of the petitioners has been engaged in their place. There is no necessity of preparing a second panel by the Bank. Since 1998, no panel has been prepared and there is no such necessity.

Further, it may not be possible for this Court to direct the respondents to prepare a panel or to examine as to whether there is any such necessity for preparing a second panel etc. Preparing of a panel of sub-staff, who worked earlier with the Bank, is purely a policy matter and this Court cannot venture to enter into such field. It is always open for the respondents, even at this stage, to prepare a

second pane of sub-staff for being engaged on regular basis or in leave vacancy as directed earlier by a Division Bench of this Court in the above Writ Petitions. However, learned counsel for the petitioners has stated that whether a second panel is prepared or not as per the directions of this Court, petitioners are entitled for engagement on temporary basis or in leave vacancy *de hors* the empanelled list. There is no difficulty as to this position. In view of Section 25-G & H of the Industrial Disputes Act,1947, petitioners are entitled for such preferential treatment for being re-engaged as and when the vacancy arises, whether it is leave vacancy or permanent one. But, this has already been taken care of in Orders earlier passed by a Division Bench of this Court, as noticed above. Therefore, there is no necessity of giving any further directions in these Writ Petitions.

For all the above reasons, the Writ Petitions are devoid of any merit and are liable to be dismissed. Accordingly, the Writ Petitions are dismissed. However, it is made clear that the respondents have to comply with the Orders passed by a Division Bench of this Court in the above Writ Petitions. No order as to costs.

14-11-2007

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